

REMARKS

This Amendment is submitted prior to continued examination of the present application and in response to the official action mailed October 14, 2008. Claims 1-8 and 10 were pending in the application. In the official action, claims 1-8 and 10 were rejected. In this Amendment, claims 1, 7, and 10 have been amended. Claims 1-8 and 10 thus remain for consideration.

Applicants submit that claims 1-8 and 10 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-4, 7, and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Inoue (US Patent 7,123,813) in view of DeFreese et al. (US Patent 6,493,876).

Claims 5, 6, 10, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Inoue and DeFreese and further in view of Toshiya et al. (JP 2001-160256).

Applicants respectfully submit that the independent claims (claims 1, 7, and 10) are patentable over Inoue, DeFreese, and Toshiya (collectively "the cited references").

Applicants' invention as recited in the independent claims is directed toward a recording apparatus and a recording reservation processing method. Each of the claims recites that "when a time slot corresponding to [a] recording reservation conflicts with a time slot of a previously made recording reservation because none of [] first through n-th recording means is available for the time slot corresponding to said recording reservation, the recording reservation and the previously made recording reservation are assigned respective

priorities, one having a higher priority than the other, the time slot is allocated to the reservation having the higher priority, and a record is maintained of the reservation having the lower priority." Supporting disclosure can be found in the specification at, for example, paragraphs [0145]-[0148] and [0173]-[0196].

None of the cited references discloses the quoted recitation. Accordingly, Applicants believe that claims 1, 7, and 10 are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2-6 and 8 are patentable over the cited references for at least the same reasons discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: January 9, 2009

Respectfully submitted,

By



Bruno Polito

Registration No.: 38,580
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

938261_1.DOC